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Attorneys for Defendant: Otto Trucking LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**JOINDER IN DEFENDANTS' UBER AND
OTTOMOTTO'S OPPOSITION TO
WAYMO'S REQUEST TO FILE A MOTION
IN LIMINE REGARDING THE STROZ
FRIEDBERG DUE DILIGENCE
INVESTIGATION [DKT. 2091]**

Date: TBD
Courtroom: 8-19th Floor
Judge: Hon. William H. Alsup
Trial: December 4, 2017

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:
 2 PLEASE TAKE NOTICE THAT Defendant Otto Trucking, LLC (“Otto Trucking”) hereby joins
 3 and adopts Co-Defendants Uber Technologies, Inc.’s (“Uber”) and Ottomotto, LLC’s
 4 (“Ottomotto”) Opposition to Waymo’s Request to File a Motion in Limine regarding the Stroz
 5 Friedberg Due Diligence, Docket No. 2091.

6 Otto Trucking notes that the relief requested is untimely. The grounds on which Waymo
 7 relies were available prior to the Federal Circuit ruling on Mr. Levandowski’s appeal issued on
 8 September 13, 2017, and there is no new information based on the Stroz materials in Waymo’s
 9 Precis.

10 Moreover, the relief requested as to Otto Trucking is inappropriate. On June 21, 2017, the
 11 Court issued an Order granting Waymo’s Motion to Compel Stroz documents, and in it stated that
 12 Otto Trucking does not have any standing to challenge the Stroz subpoena because there is “no
 13 evidence that it retained Stroz or had any involvement in the Stroz investigation.” Dkt. No. 670 at
 14 6. As such, Otto Trucking contends that Waymo’s Precis Requesting Leave to File a Motion in
 15 Limine regarding the Stroz Friedberg Due Diligence Investigation filed by Waymo, Docket No.
 16 2040, does not and should not apply to Otto Trucking. Moreover, the Court has already addressed
 17 this issue, noting that Mr. Levandowski was the one appealing production of the Stroz Report, not
 18 Uber or Otto Trucking. September 27, 2017 Pretrial Conference Hr’g Tr. at 24:17-23; 30:15-23;
 19 93:12-19.

20 However, to the extent that Otto Trucking is implicated in Waymo’s Precis Requesting
 21 Leave to File Motion in Limine, Otto Trucking opposes it and joins in Co-Defendants Uber and
 22 Ottomotto’s Opposition. In support of this joinder, Otto Trucking states as follows:

23 1. On October 23, 2017, Waymo filed its Precis in support of Request to File Motion
 24 in Limine Regarding the Stroz Friedberg Due Diligence Investigation. Dkt. No. 2040.

25 2. Otto Trucking joins and adopts, as if set out verbatim herein, the arguments,
 26 authorities, contentions, and prayers of Co-Defendants Uber and Ottomotto set forth in Docket
 27 No. 2091 for the reason that said response is equally applicable to Otto Trucking in the above-
 28

captioned matter.

3. Otto Trucking joins and adopts Co-Defendants' Opposition to best serve justice and avoid unnecessary or duplicative effort, time, or expense to the parties involved.

WHEREFORE, Defendant Otto Trucking LLC hereby joins and adopts Co-Defendants' Opposition to Waymo's Request to File a Motion in Limine regarding the Stroz Friedberg Due Diligence, Docket No. 2091.

Dated: October 25, 2017

Respectfully submitted,

By: /s/ Neel Chatterjee

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **October 25, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **October 25, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE